

**This order is SIGNED.**

**Dated: July 21, 2020**



**JOEL T. MARKER**  
**U.S. Bankruptcy Judge**



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MORRISON LAW GROUP, P.C.  
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**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF UTAH**

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<b>IN RE:</b>	§	
	§	<b>CASE NO. 19-25356</b>
<b>Mike Jenkins</b>	§	<b>Chapter 13</b>
<b>Monica Jenkins</b>	§	<b>Honorable Joel T. Marker</b>
<b>Debtor</b>	§	

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**ORDER ON MOTION TO MODIFY CHAPTER 13 PLAN, MOTION TO INCUR NEW  
DEBT AND APPLICATION FOR COMPENSATION**

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Pursuant to Notice of Hearing ("Notice") filed by Counsel for Mike and Monica Jenkins (hereinafter "Debtors") a Hearing was scheduled for July 22, 2020, at 9:30 a.m. Further, pursuant to the Notice, objections to the Debtors' Motion were to be filed and served on counsel for Debtors not later than July 10, 2020. The Court having determined that all written responses to the Debtors' Motion have been resolved and good cause appearing therefore,

**IT IS HEREBY ORDERED** that

1. The Debtors' Motion to Modify Chapter 13 Plan, Motion to Incur New Debt and Application for Compensation is granted;

2. Debtors' shall be allowed to incur new debt for the purchase of an automobile.

Total amount to be financed for the purchase of the vehicle is;

a. Purchase price of approximately \$23,500;

b. Interest rate of approximately 15.49 %;

c. Approximate monthly payments of not more than \$508.00 for seventy-two (72) months; and

3. Debtor shall provide a copy of the final purchase contract to the Chapter 13 Trustee within three (3) days of the purchase.

4. Recoup Asset Management, LLC shall be granted relief from the automatic stay as to the vehicle and shall have 180 days from the date of this Order to file an amended proof of claim for any deficiency amount;

5. The Trustee shall make no further distribution on the secured portion of Claim No. 9 filed by Recoup Asset Management, LLC but may disburse on any unsecured portion without the filing of an amended claim. The Trustee shall not retrieve any payments made to the creditor prior to the entry of the order;

6. Fees and costs in the amount of \$925.38 are awarded as an administrative expense claim to counsel and shall be paid pursuant to the confirmation Order. During the payment of the administrative expense claim to counsel the per-monthly payments to America First Credit Union shall be lowered to \$240.00 for a period of 5 months, the per-monthly payments to Ashley Furniture shall be lowered to \$24.00 for a period of 5 months, and the per-monthly payments to Les Schwab shall be

lowered to \$10.00 for a period of 5 months. Upon completion of the adequate protection period designated above for each affected secured creditor, the payment to the creditor shall revert to the Equal Monthly Plan Payments specified in the applicable Part of the Plan.

(END OF ORDER)

**DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing **ORDER ON MOTION TO INCUR NEW DEBT**, shall be served to the parties and in the manner designated below:

**By Electronic Service:** I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Lon Jenkins, Chapter 13 Trustee:  
utahtrusteemail@ch13ut.org

U.S. Bankruptcy Trustee's Office:  
USTPRegion19.SK.ECF@usdoj.gov

Theron D. Morrison, Counsel for Debtors:  
topofutahlaw@gmail.com

**By U.S. Mail** - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

**Mike and Monica Jenkins**  
4546 W. 3350 S.  
West Haven, UT 84401

**America First Credit Union**  
PO Box 9199  
Ogden, UT 84409-0199

**Ashley Furniture**  
PO Box 3212  
Evansville, IN 47731-3212

Date: July 20, 2020

/s/ Cory B. Cottam

Cory B. Cottam  
Attorney for Debtor